

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION ----- ETHICON WAVE 6 CASES LISTED IN EXHIBIT A	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
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**NOTICE OF ADOPTION OF PRIOR DAUBERT MOTION
CHALLENGING THE GENERAL-CAUSATION OPINIONS OF
DONALD R. OSTERGARD, M.D. FOR WAVE 6**

Defendants hereby adopt and incorporate by reference the *Daubert* motion filed against Donald R. Ostergard, M.D. for Ethicon Wave 3, Dkt. 2814 (motion) and Dkt. 2816 (memorandum in support). Defendants respectfully request that the Court exclude Dr. Ostergard's testimony for the reasons expressed in the Wave 3 briefing.

This notice applies to the Wave 6 cases identified in Exhibit A attached here.¹

¹ Except as to cases involving the TVT, TVT-O, and TVT-S products in *Kimberly Aguilera v. Ethicon, Inc.*, *Mayo Barnes v. Ethicon, Inc.*, *Carolyn Dixon v. Ethicon, Inc.*, *Margaret T. Fisher v. Ethicon, Inc.*, *Michelle Greenwood v. Ethicon, Inc.*, *Theresse Henry v. Ethicon, Inc.*, *Patricia Searcy v. Ethicon, Inc.*, and *Joyce Wright v. Ethicon, Inc.* noted on the attached Exhibit A because Dr. Ostergard does not offer general-causation opinions as to the TVT, TVT-O, and TVT-S products.

Also, Dr. Ostergard is not identified as a general-causation expert for Gynemesh PS or Prolene Soft in Wave 6. Out of an abundance of caution, Ethicon is including plaintiffs with these products in the attached Exhibit A but reserves the right to challenge Plaintiffs' designation as appropriate. This affects Plaintiffs Aguilera, Fisher, Gibbs, Henry, Jacobs, Shelton, and Wininger.

Respectfully submitted,

ETHICON, INC. and
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CERTIFICATE OF SERVICE

I certify that on October 23, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

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